C.S. 1001 — SINGLE BENCH

003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 902 /2006

HON'BLE S.B.

SERVICE MATTER

PETITIONER : Abdul Habib Quraishi
aged about 43 years,
S/o. Shri A.B. Quraishi
Librarian Govt. College Utai District
Durg, R/o. MIG-1, 1027, Hudko,
Bhilai, District Durg (C.G.)

P.R. No. 883/06
Presented by Shri N.K. Chaturvedi Adv.
dated 12.12.06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through : Secretary
Department of Higher Education
Mantralaya D.K.S., Bhawan , Raipur
(C.G.)

2. Deputy Secretary
Department of Higher Education
D.K.S., Bhawan , Raipur (C.G.)

3. Principal Government College Utai
Dist. Durg (C.G.)

4. Shri Devendra Tikariha
Resident of Durg, Tahsil And District
Durg (C.G.)

RECEIVED COPY
16.2.06
CLERK to A.G. BILASPUR

COMMISSIONER
PARNA
VIYA
2073/06
1624
Chhattisgarh

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

WP 902/2006

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

3-3-2006

Shri N.K. Chatterjee, counsel for the petitioner.

Shri G.K. Beriwal, Dy. Advocate General and Shri Satish Gupta, Dy. Govt. Advocate for the State.

Heard.

By this petition under Article 226/227 of the Constitution of India, the petitioner is challenging the transfer order dated 10-2-2006 (Annexure-P/1), by which he has been transferred from Government College, Utai, District Durg to Government College, Kohka (Tilda), District Raipur. The petitioner is working as Librarian. The contention is that the transfer order has been issued during the ban period. Learned counsel referred to document Annexure-P/2 dated 7-12-2005 whereby the Principal had intimated the Commissioner, Higher Education that the post of Librarian is not available as the petitioner is working, therefore, joining of respondent No.4 Devendra Tikariha, cannot be possible at Utai (Durg). Learned counsel submits that vide order dated 6-2-2006 (Annexure-P/3), Joint Director, directed that the payment be made to respondent No.4 Devendra Tikariha from the vacant post of Sports Officer of Government College, Kohka-Nevra (Raipur) from 1-12-2005 till further orders. The question raised is that only to accommodate respondent No.4 Devendra Tikariha, Annexure-P/3 has been issued. It is also stated that the transfer has been made in contravention of the transfer policy. Learned counsel submits that the children of the petitioner are studying in class 11th & 7th and because of transfer the education of the children of the petitioner would be adversely affected.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 902/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Learned counsel for the State submits that the petitioner may be directed to submit representation before the competent authority of respondents, which shall be considered and decided on its own merits. Having considered and without expressing any opinion on the merits of the case the petitioner is directed to make a detailed representation raising his grievances before the competent authority of respondents within a period of 15 days from today and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within a period of two months from the date of receipt of representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law. Learned counsel for the petitioner submits that till date the petitioner has not been relieved. He prays for grant of interim relief. In view of the above, it is directed that the petitioner be allowed to continue, till the representation is decided. With the aforesaid observations, this petition stands disposed of. Consequently, M.(W.).P.No.703/2006 also stands disposed of. Certified copy as per rules. **Sd/-** **Fakhruddin** **Judge**	
Gowri		

GL.PRJ—FS/350—12/2000—50,000.